

EXHIBIT 3

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

-----X
SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB,
BLERTA VIKKI, DANIELLE OWIMRIN, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

SCORES HOLDING COMPANY, INC., GO WEST
ENTERTAINMENT, INC., a/k/a SCORES WEST
SIDE; and SCORES ENTERTAINMENT, INC.,
a/k/a SCORES EAST SIDE,

Defendants.

Case No. 07 Civ. 8718 (RMB)
-----X

200 Park Avenue
New York, New York

January 8, 2008
10:25 a.m.

Deposition of CAROLYN J. SIEGEL,
before Marlene Lee, CSR, CRR, a Notary Public
of the State of New York.

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126 East 56th Street, Fifth Floor
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REF: 86395

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1 SIEGEL

2 informed of that?

3 A. I don't.

4 Q. Do you remember when your first
5 night of work was?

6 A. Yes. It was a Wednesday. The
7 beginning of May. I don't know the date.

8 Q. If you look at Siegel Exhibit 1,
9 does that help you identify what day it was?

10 A. Yes, it does.

11 Q. What day was it?

12 A. Wednesday, May 2nd.

13 Q. What happened -- who told you what
14 time you were supposed to come to work?

15 A. I don't remember.

16 Q. Do you remember seeing a schedule?

17 A. No.

18 Q. Do you remember seeing a schedule
19 at any point that you were there?

20 A. No.

21 Q. How did you generally know when you
22 were supposed to go to work next?

23 A. I know I got my schedule from Gus.
24 I don't remember if it was over the phone or in
25 person.

1 SIEGEL

2 Q. So at some point Gus told you
3 verbally when to come in?

4 A. Yes.

5 Q. When you were in any of the
6 non-customer areas of the club, did you ever
7 notice any postings on the wall?

8 A. No. Actually, to amend that, yes.
9 The dancer dressing room had a poster that I
10 noticed.

11 Q. Of what?

12 A. Of the stage fees.

13 Q. Anything else?

14 A. Not that I recall.

15 Q. I'd like to show you --

16 MR. CAPOBIANCO: I'd like to have
17 this marked as Siegel Exhibit 4.

18 (Siegel Exhibit 4 for
19 identification, document.)

20 Q. With respect to Siegel Exhibit 4,
21 did you ever notice while you were working at
22 Go West that this document was posted on any
23 wall in any of the non-customer areas of the
24 club?

25 A. No.

1 SIEGEL

2 Q. Did you come to have an
3 understanding that you would be making 4.60 per
4 hour plus tips?

5 A. Yes.

6 Q. When did you arrive at that
7 understanding?

8 A. I don't remember.

9 Q. Do you remember how you came to
10 understand that?

11 A. I think it was just an assumption
12 that I made.

13 Q. An assumption based on what?

14 A. Based on previous employment.

15 Q. So your first day of employment was
16 May 2nd.

17 A. Yes.

18 Q. What happened on May 2nd when you
19 appeared at the club? Well, let me ask you
20 this. Did you come in what you called your
21 uniform?

22 A. No.

23 Q. You did not?

24 A. No.

25 Q. Did you bring it with you?

1 SIEGEL

2 A. Yes.

3 Q. So you came in street clothes and
4 changed into it in -- where?

5 A. In the women's bathroom.

6 Q. In the women's bathroom. Okay.
7 Did you clock in on that occasion?

8 A. Yes.

9 Q. Is that the first time that you
10 clocked in?

11 A. Yes.

12 Q. And do you remember what time you
13 were supposed to be at work on your first day?

14 A. Seven o'clock.

15 Q. Were you on time?

16 A. No. I was not.

17 Q. You were late?

18 A. Yes.

19 Q. Do you remember why?

20 A. I had the time wrong. I thought it
21 was 7:30.

22 Q. Prior to actually starting work,
23 how were you informed what to wear to work?

24 A. I was given a uniform.

25 Q. And that was just by one of the

1 SIEGEL

2 other waitresses on your first training day?

3 A. No. It wasn't.

4 Q. How did you -- who gave you the
5 uniform?

6 A. It was a host.

7 Q. The host gave you the uniform. And
8 that was just for your first session of
9 training?

10 A. Yes.

11 Q. And then you said you had to trade
12 skirts with somebody?

13 A. Yes.

14 Q. Was somebody else wearing a skirt?

15 A. Yes.

16 Q. And you had to go, both, into the
17 bathroom and trade skirts?

18 A. Yes.

19 Q. What did the work outfit look like?

20 A. It was a corset that zipped up the
21 front and laced up the back. And then a skort
22 (sic). It's a skirt with kind of built-in
23 underwear, I guess you could call it.

24 Q. What color?

25 A. Black.

1 SIEGEL

2 Q. Any other aspect to this work
3 outfit?

4 A. Yes.

5 Q. What?

6 A. Tights and black boots.

7 Q. Were you supplied with the tights?

8 A. No.

9 Q. Were you informed that you needed
10 to wear tights?

11 A. Yes.

12 Q. Could the tights be of any color?

13 A. As far as I know.

14 Q. Did you own a pair of tights?

15 A. Yes.

16 Q. Who informed you that you needed to
17 wear tights?

18 A. That, I don't remember.

19 Q. Who informed you that you needed to
20 wear black boots?

21 A. I don't recall exactly.

22 Q. Were you required to wear black
23 boots as opposed to other type of black
24 footwear?

25 A. Yes.

1 SIEGEL

2 Q. Did you own a pair of black boots?

3 A. Yes.

4 Q. And when you first -- when you
5 showed up for work on your first night of
6 training, did you -- were you wearing tights
7 and black boots?

8 A. Yes.

9 Q. Did you --

10 A. No. I wasn't wearing them.

11 Q. Did you have to change into tights
12 and black boots on your first night of
13 training?

14 A. Yes.

15 Q. You did.

16 A. Yes.

17 Q. Where did you obtain those items?

18 A. I had brought them with me, so Gus
19 must have told me that I needed to wear them.

20 Q. Did Gus also tell you there was a
21 black outfit that they would provide you with?

22 A. I don't remember.

23 Q. This black outfit that you were
24 required to wear, did you ever wear it outside
25 of work?

1 SIEGEL

2 A. No.

3 Q. Did you ever wear it to or from
4 work?

5 A. No.

6 Q. Did you pay for it?

7 A. No.

8 Q. Do you still have it?

9 A. No.

10 Q. What did you do with it?

11 A. I returned it to the establishment
12 upon leaving.

13 Q. On the day you left?

14 A. Yes.

15 Q. Is the work outfit that you were
16 given something that you felt you could wear
17 outside of the establishment?

18 A. No.

19 Q. Why not?

20 A. It was too revealing.

21 Q. Too revealing for your personal
22 taste?

23 A. Yes.

24 Q. Is it something that you could see
25 other women wearing out in an evening in

1 SIEGEL

2 Manhattan?

3 A. No. Not that I have seen.

4 Q. Not that you have seen? You work
5 in other bars in Manhattan; right?

6 A. Yes.

7 Q. You've never seen women coming in
8 dressed as the work outfit at Scores?

9 A. No.

10 Q. When you arrived for your first day
11 of work, did you need to fill out any
12 paperwork?

13 A. I don't remember.

14 Q. Do you remember if you filled out
15 any papers other than the application at any
16 point in time?

17 A. I don't.

18 MR. CAPOBIANCO: I'd like to have
19 this marked as Siegel 5.

20 (Siegel Exhibit 5 for
21 identification, document.)

22 Q. Is this your signature on Siegel
23 Exhibit 5?

24 A. Yes, it is.

25 Q. Do you know what this document is?

1 SIEGEL

2 A. I don't understand the question.

3 Q. Do you know what this is that you
4 signed?

5 A. Can you rephrase?

6 Q. Did you receive an employee
7 handbook --

8 A. Yes.

9 Q. -- on or about May 2nd of 2007?

10 A. Yes.

11 Q. Do you remember when you received
12 it?

13 A. I received it prior to May 2nd, on
14 the second day of my training.

15 Q. You received it on the second day
16 of your training?

17 A. Yes.

18 Q. Did you review the employee
19 handbook?

20 A. A bit.

21 Q. When was that?

22 A. During the night.

23 Q. Did you take it home with you?

24 A. I did.

25 Q. Do you still have it?

1 SIEGEL

2 you objected to the tip-sharing?

3 A. That's not exactly fair to say.

4 Q. What would you -- explain to me
5 what -- how your pay, your compensation from Go
6 West differed from what you would consider full
7 compensation for your work.

8 A. Well, the number of hours that I
9 worked that I wasn't paid for, including
10 training days, as well as their failure to
11 allow me to exchange diamond dollars.

12 Q. Anything else?

13 A. Can you repeat the main question?

14 Q. Sure. How is it that you feel that
15 the compensation you received from Go West
16 differed from what you would consider full
17 compensation for your work?

18 A. Oh. Also that I had to provide
19 elements of what they required me to wear as a
20 uniform.

21 Q. That you had to provide elements?

22 A. Yes.

23 Q. What elements are those?

24 A. They required me to wear tights and
25 boots which, had I not owned, I would have had

1 SIEGEL

2 to purchase. And there were also theme nights
3 that required additional clothing.

4 Q. Did you work any of those theme
5 nights?

6 A. I did.

7 Q. What theme night did you work?

8 A. I worked the American Beauties
9 promotion --

10 Q. Okay.

11 A. -- which required that we be
12 dressed in red, white, & blue, or some kind of
13 outfit inspired by Americana. The examples
14 given were a flag dress, some kind of military
15 outfit, or a Betsy Ross costume.

16 Q. What night was that?

17 A. It was the week of Memorial Day.

18 Q. Did you end up purchasing such a --

19 A. I did not, but I know people who
20 did.

21 Q. Who is it that described what it
22 was that you would need to wear on that day?

23 A. There was a memo.

24 Q. A memo?

25 A. Yes.

1 SIEGEL

2 Q. Did you keep the memo?

3 A. No. It was not distributed. It
4 was posted in the waiters' station.

5 Q. Any other way in which the
6 compensation you received from Go West differed
7 from what you would define as full compensation
8 for your work?

9 A. Not that I recall.

10 Q. What are you hoping to accomplish
11 by this lawsuit?

12 A. Getting compensation for those
13 employees in the class whose damages have built
14 up over time, and preventing illegal wage
15 practices in the future.

16 Q. When did you first consider
17 bringing a lawsuit?

18 A. I didn't -- it wasn't my idea to
19 bring it. I don't know if that's what you're
20 asking.

21 Q. Whose idea was it to bring the
22 lawsuit?

23 A. I'm not sure. I joined after it
24 was in progress.

25 Q. Let me ask you this: Did somebody

1 SIEGEL

2 believe that it's not accurate?

3 A. No.

4 Q. At the time you got this check, did
5 you compare the hours' listing with what you
6 recall about the shifts you worked?

7 A. No.

8 Q. So with respect to the hours that
9 were recorded for your work and what you say
10 you worked, are the only differences what you
11 referred to as training and then the delay in
12 getting your card on your first day of work on
13 May 2nd?

14 A. As far as I can tell.

15 Q. By the way, what is the card that
16 you were referring to?

17 A. A server card.

18 Q. A what --

19 A. Server card.

20 Q. What function did it perform?

21 A. It allowed me to access the menu
22 screens on the computer.

23 Q. So could you place orders?

24 A. Yes.

25 Q. And did it also serve a

1 SIEGEL

2 time-keeping function?

3 A. Yes.

4 Q. So you were supposed to punch in
5 and punch out using it?

6 A. Yes.

7 Q. After you received the card, was it
8 your practice to come in and punch in
9 immediately?

10 A. No.

11 Q. What was your practice?

12 A. I came in. I changed into my
13 uniform, put my bag and coat in the coat check
14 area, and then punched in.

15 Q. And what about punching out? What
16 was your punch-out process?

17 A. I don't remember exactly, but I
18 remember punching out and then changing out of
19 my uniform and into my street clothes.

20 Q. What about picking up your coat and
21 bag?

22 A. That happened after I was changed
23 out of my uniform, unless I had to get my
24 clothes from my bag.

25 Q. Did you keep your clothes in a

1 SIEGEL

2 locker?

3 A. No.

4 Q. Did you have a locker?

5 A. No.

6 Q. Let's talk about the end-of-night
7 process. You talked about the sharing of tips
8 at the end of the night. Did you physically
9 hand the tips that you were sharing with the
10 other workers, yourself?

11 A. No.

12 Q. How did that happen?

13 A. The other waitress that I was
14 working with either handed it directly to the
15 busers or the bartender or to the host who then
16 distributed it.

17 Q. Were you sharing tips with anyone
18 other than the busers and the bartenders?

19 A. And the other waitress?

20 Q. And the other waitress.

21 A. No.

22 Q. So the tips that you received
23 personally were shared only with the -- your
24 partner waitress, the busers, and the
25 bartenders?

1 SIEGEL

2 Q. We can look back at this page P 262
3 or any of the other documents in Exhibit 9 for
4 this question. Were there any other deductions
5 from your wages, other than the ones that are
6 recorded here on this document?

7 A. I don't understand your question.

8 Q. Did you suffer any deductions from
9 your wages, somebody taking parts of your wage,
10 other than what's recorded as a deduction and
11 reimbursement here on this document?

12 A. Not that I know of, but it could
13 have happened without my knowledge.

14 Q. Well, what could have happened
15 without your knowledge?

16 A. I didn't know the total credit card
17 tip number. I only know what came in my
18 paycheck. So anything is possible.

19 Q. Any other aspect of what you don't
20 know that could have resulted in a deduction
21 from your wage?

22 A. I don't understand your question.

23 Q. You gave me an example of something
24 that you don't know but could have resulted in
25 a deduction from your wage.

1 SIEGEL

2 A. Yes.

3 Q. I'm asking if there's any other
4 theoretical possibility you have that something
5 was improperly deducted from your wages.

6 A. Well, had I cashed in diamond
7 dollars, there would have been deductions.

8 Q. How do you know that?

9 A. It was what two different people
10 said.

11 Q. And who were they?

12 A. One was a waitress and one was a
13 bus boy.

14 Q. And what did they tell you?

15 A. They said that 10 percent was taken
16 off the top by the club. And then taxes were
17 also taken out.

18 Q. So did you understand that when you
19 cashed in diamond dollars, you would be
20 receiving cash right then and there?

21 A. That was my understanding.

22 Q. Did you ever work at any other
23 clubs that have the Scores name?

24 A. No.

25 Q. Do you have any knowledge of the

1 SIEGEL

2 practices at the other clubs that used the
3 Scores name?

4 A. No.

5 Q. Who would you consider to be your
6 supervisors when you worked at Go West?

7 A. Gus and Spiro.

8 Q. Gus and Spiro. Anyone else?

9 A. Not that I can recall.

10 Q. Did you take instructions or
11 receive instructions on how to do your job from
12 anyone else?

13 A. What kind of instructions?

14 Q. Any type of instruction.
15 Work-related instruction.

16 A. Sometimes waitresses or bartenders.

17 Q. What about the host?

18 A. The host -- I don't remember.

19 Q. We haven't talked too much about
20 Spiro. What was the nature of your
21 interactions with Spiro?

22 A. He was one of the managers.

23 Q. Right.

24 A. I --

25 Q. Did you specifically have any